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PATENT

Attorney Docket No. RS150
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

KEVIN WESLING

Serial No. 10/707,136

Filed: November 21, 2003

For: Cable Guide for a Bicycle Suspension Fork

Group Art Unit 3611

Examiner: Lee S. Lum

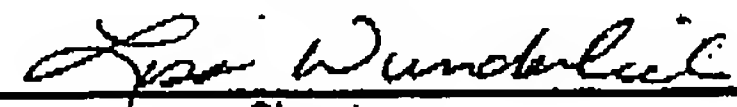
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Lisa Wunderlich

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reasons stated below.

Claims 1-3 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kuo (US6767024). Claim 1 of the present invention recites a control cable housing integrally formed with the crown of a bicycle fork. Examiner states that Kuo discloses a control cable housing that includes elements 61, 65 and 651. Applicant respectfully disagrees with Examiner. In Kuo, the rotatable cap 61 is connected to a base member 62, the base member 62 being threadably connected to a top of the inner tube 52, not to the crown. Further, the control cable block 651 is attached to the clamp ring 65, the clamp ring 65 being securely mounted to the base member 62, the base member 62 threadably connected to the top of the inner tube 52, finally the inner tube 52 connected to the crown. Accordingly, none of the elements 61, 65, and especially 651, are connected to the crown.

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On the contrary, the claimed invention requires that the cable guide housing be integrally formed with the crown. Additionally, cap 61 is rotatable relative to control cable block 651 and clamp ring 65, therefore, it cannot be integrally formed with these elements 651, 65 or with the crown. Finally, in the Kuo device, because both the clamp ring 65 and the cap 61 are connected to base member 62 which is threaded to the inner tube 52, the resulting orientation of the cable block 651 relative to the crown will vary depending on the number of threads of the base member 62. Accordingly, in the Kuo device, the clamp ring 65 must be loosened and adjusted to properly orient the cable B. This problem is avoided in the claimed invention where the cable guide housing is formed integrally with the crown. For these reasons, none of the elements 61, 65, or 651 constitute a housing integrally formed with the crown as recited in claim 1. Therefore, the rejection of claim 1 should be withdrawn.

Regarding the claim 4, Examiner states that the language "forged together" refers to the manner in which the housing and the crown are made, which is patentably immaterial. Applicant respectfully disagrees with Examiner. The limitation "forged together" is used to describe physical characteristics of the product. These words are limitations on the structure of the invention, not words describing how the invention is made. See e.g., *In re Garnero*, 412 F.2d 276, 162 U.S.P.Q. 221 (C.C.P.A. 1969) (holding "interbonded by interfusion" to limit structure of the claimed composite and noting the terms such as "welded," "intermixed," "ground in place," "press fitted," and "etched" are capable of construction as structural limitations.) Accordingly, the limitation "forged together" is a structural limitation that should be given patentable weight.

Respectfully submitted,

KEVIN WESLING



Lisa J. Wunderlich, Attorney

Registration No. 40,307

SRAM Corporation

1333 N. Kingsbury, 4th Floor

Chicago, IL 60622

(312)664-3652